

# MARIJUANA BUSINESS DEVELOPMENT PROCESS FAQS

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## 1. Once I apply for my OLCC License with the State, I should be able to develop a marijuana business in the City of Bend, right?

- It depends - this is a fairly complicated answer that is dependent on whether you have an existing medical marijuana facility or are starting a business from scratch.
- First, you should familiarize yourself with the City regulations for marijuana businesses and verify with the Planning Division that the zoning and general plan designation for your business location will allow a marijuana-related business (and that new retail facilities meet the City's new buffer standards). Then you may apply to the City for the necessary land use permits, file your Land Use Compatibility Statement (LUCS) form, and apply for an operating license.
- Please see [www.bendoregon.gov/marijuana](http://www.bendoregon.gov/marijuana) to access the city regulations, detailed information on the development process, and application forms.

## 2. What is the difference between a Land Use Compatibility Statement (LUCS) and a land use application?

- A Land Use Compatibility Statement (LUCS) is a communication tool between OLCC and a local jurisdiction that states whether the proposed marijuana business use is prohibited at a specific location by local regulations, or if the use is not prohibited.
  - A LUCS states generally whether a certain business use could be allowed under local regulations. It is not a determination by the City that the business use is approved.
- A land use application is required for all marijuana businesses in the City of Bend, as of December 16, 2015. The land use application and subsequent decision provides the formal approval issued by the City that a certain business use is approved for a specific location.

## 3. What do I need to file my land use application?

- Minimum Development Standards (MDS) Review, Site Plan Review (SPR), or Conditional Use (CU) application forms, and the Marijuana Business Land Use Application Checklist. All forms must be signed by the property owner or accompanied with a letter of authorization from the property owner.
- As part of your land use application, will be required to upload site plans, floor plans, and a narrative describing how your business complies with the Bend Development Code 3.6.300.P

- Filing fees are dependent on the scope of your project.
- The following page contains more information about these applications and the relevant regulations: [www.bendoregon.gov/marijuana](http://www.bendoregon.gov/marijuana)

#### **4. What comes after I file my land use application?**

- The review time for your application will vary from approximately 30 days (MDS) to 60 days (SPR/CU). If your project requires a public hearing, the review time may be longer. All applications will be reviewed within 120 days as the marijuana business applications are processed using the same timelines as other businesses within the City.
- Once you have your City land use approval you have 30 days to apply for your Marijuana Business Operating License. That application may be found online at [www.bendoregon.gov/marijuana](http://www.bendoregon.gov/marijuana).
- You will also need to submit a copy of your state-issued OLCC license to the City as a condition of the Operating License. This does not need to be done upon initial Operating License application, but prior to license issuance.

#### **5. What is the Marijuana Business Operating License? What is the fee?**

- Obtaining a Marijuana Business Operating License is the final step in the local permitting process. The license outlines the hours of operation, security requirements, and inspection abilities for the City.
- The fee for the annual license for any medical or retail marijuana business (retail, wholesale, processing, production, and labs/research) is currently \$600. The license is valid for one year, and can be renewed at one-half the original fee.
- You are required to submit the application along with copies of your business owner identification, a site plan, floor plan and certificate of occupancy for the business as well as the state-issued license for operations.
- Each type of operation at any one location will require its own operating license application submittal.
- The City of Bend will accept an application that includes copies of identification as well as a site plan and floor plan. However, the local operating license will not be issued without an approved certificate of occupancy and a state-issued license.

## **6. What other permits/fees may I need?**

- Building permits may be necessary for changes/improvements to an existing building or for a change in the occupancy classification for the building (e.g. from warehouse to production or processing facility). For construction of new buildings, a building permit is required. Visit the [Building Safety website](#) to find out more information including contact information.
- Systems Development Charges are assessed for new buildings or a change in use of a building that increases demand on City water, sewer or street systems. The SDC estimate application is online at: <http://bendoregon.gov/modules/showdocument.aspx?documentid=3795>

## **7. I understand the City adopted some buffers for marijuana businesses. What are they, and how does the 1,000 feet between retail facilities work?**

- Separation distances only apply to marijuana retail facilities and medical dispensaries. Other marijuana businesses (production, processing, wholesale, laboratories) are not subject to separation distances.

On December 16, 2015, the City Council adopted the following buffers:

- 150 foot buffer around licensed childcare facilities,
- 150 foot around developed parks,
- 1,000 feet from K-12 schools, and
- 1,000 feet separation between each marijuana retail facility and 1,000 feet separation between each medical dispensary; there is no requirement for medical dispensaries to be separated from marijuana retail facilities.
- Please note that all distances are measured property line to property line, which is different from the OLCC and OHA's measurement standards.
- The City Council also gave existing, permitted medical dispensaries the ability to convert to marijuana retail through 2016, without being subject to the existing buffers. After December 31, 2016, this 'grandfathered' status expires, and medical dispensaries that want to convert to marijuana retail after that date would be subject to the buffers.
- The marijuana retail-to-retail buffers will work as follows:
  - Marijuana retail applications will be processed on a first-come, first-served basis. As soon as an applicant files and pays for the land use application for a marijuana retail facility, a 1,000-ft buffer is formed around the property and no new marijuana retailers can locate within that buffer.

- Existing, permitted medical dispensaries can convert to marijuana retail during 2016 even if a new marijuana retailer has already filed an application for a location within 1,000-ft of the dispensary. Once a dispensary files a land use application to convert to marijuana retail, a 1,000-ft buffer is formed around the property and no new marijuana retailers can locate within that buffer.
  - Once an existing medical dispensary files a land use application to convert to marijuana retail, the facility is considered marijuana retail. This would allow a new medical dispensary to locate within 1,000 ft. of the existing business if the new dispensary meets all of the separation distances (schools, child care centers, parks and medical dispensaries).
- Example: There is an existing medical dispensary at 100 Main St; the property owner next door at 102 Main St wants to establish a marijuana retail facility. If 102 Main St files first for a marijuana retail facility and meets all applicable code requirements including separation distances from parks, schools and child care facilities, 102 Main St can gain approval for marijuana retail. This does not affect 100 Main St's ability to convert from medical dispensary to marijuana retail, as long as the conversion application is completed during 2016. If 100 Main St files first for a conversion to marijuana retail, a 1,000-ft buffer will be formed and 102 Main St is not eligible for a marijuana retail facility. However, 102 Main St would be potentially eligible for a medical dispensary, if all applicable code requirements and separation distances are met.